In the High Court of Judicature at Madras

Dated:06.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.626 of 2006

S. Venkatasamy .. Petitioner

vs.

1. The Superintendent of Police
   Superintendent Office
   Thiruvarur District.

2. The Inspector of Police
   Thiruthuraipoondi Police Station
   Thiruvarur District.

3. C. Parameswari .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. P. Vijendran

For respondents 1 & 2 : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name S. Venkatasamy, has filed this petition seeking direction to respondents 1 and 2 to produce the body of the detenu Sasi Prakash, aged about 9 years old before this Court and set him at liberty forthwith.

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2. It is not in dispute that third respondent herein is none else than the wife of the petitioner. It is also not in dispute that the detenu Sasi Prakash, aged about 9 years was born to them. It is the grievance of the petitioner that due to misunderstanding, he filed HMOP.No.46 of 2006 before the Subordinate Court, Mannarkudi for divorce and the same is pending before the said Court. While so, according to the petitioner, the third respondent, suddenly came and took the detenu child. In such circumstances, the petitioner has filed the present petition on the allegation that the third respondent has kidnapped his minor son.

3. We are not expressing anything about the conduct of the third respondent with reference to the allegations made by the petitioner. However, the fact remains, as the petitioner has already approached the competent civil Court seeking divorce and the petition is still pending before the lower Court as well as the third respondent is none else than the mother of the minor child, we are of the view that it is but proper for the petitioner to file appropriate petition before the concerned Court for custody, if he so desires.

With the above observation, this petition is dismissed.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Superintendent of Police
   Superintendent Office
   Thiruvarur District.

2. The Inspector of Police
   Thiruthuraipoondi Police Station
   Thiruvarur District.

3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.P. Vijendran, Advocate SR No.28925

GG(CO)
SR/7.7.2006

Order in
H.C.P.No.626 of 2006

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